

JUN 02 2005

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**To:** USPTO Central Fax **From:** Marc S. Weiner  
Garth M. Dahlen

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**Fax:** 703-872-9306 **Date:** June 2, 2005

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**Phone:** **Pages:** 3 (including cover sheet)

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**Your Ref.:** Appeal No. 2005-1098 **Our Ref.:** 0020-4518P  
Appl. No. 09/242,700

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**Re:** Request to Reschedule Oral Hearing **CC:**  
Before the Board of Appeals

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☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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PATENT  
0020-4518P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellant: Noriko MIZOBUCHI et al. Conf.: 1380  
Appeal No.: 2005-1098  
Appl. No.: 09/242,700 Group: 1616  
Filed: April 19, 1999 Examiner: SHARMILA GOLLAMUDI  
For: A STABLE OINTMENT CONTAINING ASPIRIN

REQUEST TO RESCHEDULE ORAL HEARING  
BEFORE THE BOARD OF APPEALS

Board of Patent Appeals and Interferences  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 2, 2005

Sir:

The above-identified appeal has been scheduled to be heard by the Board of Patent Appeals and Interferences on Tuesday, August 9, 2005.

This letter is being sent to request that the oral hearing be rescheduled due to a conflict. Appellant's representative, Dr. Garth M. Dahlen, Esq. (#43,575) has a previously scheduled vacation from July 30, 2005 to August 14, 2005. The vacation plans include other family members who have arranged their schedule to attend. Also, a hefty deposit fee (only 15% of which is refundable) for the rental home has been paid.

Appl. No. 09/242,700

Please note that the NOTICE OF HEARING form has already been signed and faxed to the BPAI HEARINGS FAX No. and the USPTO Central Fax No. on May 19, 2005.

Appellants respectfully request that the oral hearing be rescheduled in light of the above-described circumstances.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181

Garth M. Dahlen, Ph.D., #43,575

MSW/GMD/mua  
0020-4518P

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(Rev. 02/13/2004)